

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HUMBLE-ZAPPE FARM, FILED ON AUGUST 5, 1936, BY JOHNSTON COMPANY, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] ORVAL L. DuBois, Acting Secretary.

[F. R. Doc. 2156—Filed, September 9, 1936; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE W. C. TYRRELL TRUST #1 FARM, FILED ON AUGUST 21, 1936, BY C. A. EVERTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341. (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on September 4, 1936, be effective as of September 4, 1936; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] ORVAL L. DuBois, Acting Secretary.

[F. R. Doc. 2155—Filed, September 9, 1936; 12:50 p. m.]

Friday, September 11, 1936

No. 129

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NOR—B-2, Revised, as of September 9, 1936.

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 2, REVISED, AS OF SEPTEMBER 9, 1936

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic

Allotment Act, payments will be made in connection with the effectuation of the purposes of Section 7 (a) of said Act for 1936 in accordance with the provisions of Section 1 of Part II of N. C. R.—B-1, Revised, as amended, as hereinafter set forth. This Bulletin No. 2, Revised as of September 9, 1936, supersedes N. C. R.—B-2, Revised, issued May 2, 1936, and N. C. R.—B-2A, issued May 29, 1936.

To be eligible for soil building payments, the soil building practices listed herein must be carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice. Soil building payments for any practice hereinafter set forth will not be made with respect to any acreage on the farm for which all or any portion of the labor, seed, or materials used for such practice are furnished free or paid for by any State or Federal agency.

Soil building payments in any case will not exceed the soil building allowance. Where several soil building practices are adopted on the same acreage, payment will not be made for (1) more than one of the practices listed in the same section in the case of Sections (c) to (m), inclusive, and (2) more than one practice twice, or any two practices, of the ten soil building practices listed in Sections (a) and (b).

Unless otherwise specified, the practices and proofs of performance set forth herein are applicable to the entire North Central Region.

Practice and Conditions—Payment per Acre—Proof of Performance

(a) *New Seedings of Legumes.*—Growing of any of the following legumes on crop land in 1936 when seeded between October 1, 1935, and September 30, 1936, inclusive.

- (1) Alfalfa, sericea: \$2.00.
- (2) Red clover, mammoth clover: \$1.50.
- (3) Alsike clover, sweet clover, white clover, Korean lespedeza, vetch, crimson clover, annual sweet clover (Hubam): \$1.00.
- (4) Legume mixtures or mixtures of legumes and the perennial grasses listed under section (b) hereof, which contain 50 percent or more of alfalfa, sericea, red clover, or any two or more of these legumes: \$1.50.
- (5) Legume mixtures or mixtures of legumes and the perennial grasses listed under section (b) hereof, which contain 50 percent or more of alsike clover, sweet clover, white clover, Korean lespedeza, vetch, crimson clover, and any two or more of these legumes: \$1.00.

A good stand of legumes on the date as of which final inspection of the farm is made for the purpose of determining performance; or satisfactory evidence that there was a good stand of legumes some time during 1936; or if a good stand of legumes is not obtained due to uncontrollable natural causes, satisfactory evidence that such land was properly seeded to legumes in accordance with good farming practice.

(b) *New Seedings of Perennial Grasses.*—Growing of any of the following grasses on crop land or on noncrop pasture land in 1936 when seeded between October 1, 1935, and September 30, 1936, inclusive.

- (1) Crested wheat grass: \$3.00.
- (2) Bluegrass (Kentucky and Canadian): \$2.00.
- (3) Bromegrass, orchard grass, slender wheat grass, and western wheat grass, or mixtures of two or more of these grasses. Reed canary grass when seeded on low wet lands not adapted to other types of grasses. Permanent pasture mixtures of grasses or grasses and legumes containing at least 40 percent of bluegrass or crested wheat grass: \$1.50.
- (4) Permanent pasture mixtures of grasses or grasses and legumes containing at least 40 percent of bromegrass or orchard grass or slender wheat grass or western wheat grass, or mixtures of two or more of these grasses, or reed canary grass when seeded on low wet lands not adapted to other types of grasses: \$1.25.
- (5) Redtop or permanent pasture mixtures of grasses or grasses and legumes containing at least 40 percent of redtop: \$0.75.

A good stand of grass on the date as of which final inspection of the farm is made for the purpose of determining performance; or satisfactory evidence that there was a good stand of grass some time during 1936; or if a good stand of grass is not obtained due to uncontrollable natural causes, satisfactory evidence that such land was properly seeded to grass in accordance with good farming practice.

(c) *Legumes for Green Manure.*—Incorporation into the soil as green manure by plowing or discing between January 1, 1936, and September 30, 1936, inclusive, of a good vegetative growth of any of the following crops grown on crop land, provided such

¹ If non-leguminous hay and pasture grasses, such as timothy, are seeded with a legume or legume mixture they must be in addition to the normal quantities of these legume seeds used when such legumes are seeded without the addition of non-leguminous hay and pasture grass seeds.

crop has attained at least 60 days' growth and is not pastured or harvested for grain or hay.

- (1) Soybeans, cowpeas, and field peas: \$1.50.

Satisfactory evidence that a good vegetative growth was incorporated into the soil in accordance with the conditions specified.

(d) *Green Manure Crop Following Truck Crop*.—Incorporation into the soil as green manure by plowing or discing between January 1, 1936, and September 30, 1936, inclusive, of a good vegetative growth of any of the following crops grown on crop land, provided such crop has attained at least 60 days' growth.

- (1) Rye, oats, barley, annual grasses, mixtures of these, or mixtures of any of these with legumes, seeded following the harvesting of any commercial truck crop, including potatoes and sweet potatoes: \$1.00.

Satisfactory evidence that a good vegetative growth was incorporated into the soil in accordance with the conditions specified.

(e) *Winter Cover Crops in Orchards and Vineyards*.—Incorporation into the soil by plowing or discing between March 1, 1936, and July 1, 1936, inclusive, of a good vegetative growth of any of the following winter cover crops on crop land in orchards and vineyards, provided such crop has attained at least 60 days' growth and is not pastured or harvested for grain or hay.

- (1) Rye, oats, barley, buckwheat, annual grasses, mixtures of these or mixtures of any of these with legumes: \$1.00.

Satisfactory evidence that a good vegetative growth was incorporated into the soil in accordance with the conditions specified.

(f) *Limestone and Other Calcareous Materials*.—Except as otherwise provided in subsections (3) and (4) of this Section (f), application on crop land or non-crop pasture land between January 1, 1936, and September 30, 1936, inclusive, of the following minimum amounts of calcareous materials per acre.

- (1) Two tons of ground limestone¹ two thousand eight hundred pounds of hydrated lime, or four cubic yards of marl: \$2.50.

Applicable only to Ohio, Indiana, Michigan, Wisconsin, and Minnesota.—Three cubic yards of sugar beet refuse lime.

Applicable only to Indiana and Michigan.—Three cubic yards of calcium carbide refuse lime.

Applicable only to Michigan, Wisconsin, and Minnesota.—Three cubic yards of paper mill refuse lime.

Applicable only to Michigan.—Four cubic yards of commercial wood ashes.

Applicable only to Wisconsin.—Two tons of wood ashes, one ton of commercial burnt lime, two tons of burnt lime waste, or eight cubic yards of calcareous clay.

Applicable only to the counties in Nebraska not in Area "A".—Two tons of sugar beet refuse lime.

Applicable only to Illinois.—Three cubic yards of water softening process refuse lime.

Applicable only to Ohio.—Two tons of agricultural limestone meal, three thousand pounds of agricultural ground limestone, two thousand eight hundred pounds of pulverized limestone, or five thousand five hundred pounds of limestone screenings.

Satisfactory evidence that the calcareous materials were applied to the land in accordance with the conditions specified.

- (2) *Applicable only to Ohio, Indiana, Michigan, Wisconsin, and Minnesota*.—One ton of ground limestone¹ one thousand four hundred pounds of hydrated lime, two cubic yards of marl, or one and one-half cubic yards of sugar beet refuse lime: \$1.25.

Applicable only to Indiana and Michigan.—One and one-half cubic yards of calcium carbide refuse lime.

Applicable only to Michigan, Wisconsin, and Minnesota.—One and one-half cubic yards of paper mill refuse lime.

Applicable only to Michigan.—Two cubic yards of commercial wood ashes.

Applicable only to Wisconsin.—One ton of wood ashes, one thousand pounds of commercial burnt lime, one ton of burnt lime waste, or four cubic yards of calcareous clay.

Applicable only to Ohio.—One ton of agricultural limestone meal, one thousand five hundred pounds of agricultural ground limestone, one thousand four hundred pounds of pulverized limestone, or two thousand seven hundred and fifty pounds of limestone screenings.

Satisfactory evidence that the calcareous materials were applied to the land in accordance with the conditions specified.

- (3) Five hundred pounds of finely ground limestone on crop land with new seedlings of legumes: \$1.00.²

¹The ground limestone should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent, with all finer particles obtained in the grinding process included, will pass through a ten-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate.

²The finely ground limestone should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent, with all finer particles obtained in the grinding process included, will pass through a thirty-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate.

Satisfactory evidence that the calcareous materials were applied to the land in accordance with the conditions specified.

- (4) One thousand pounds of finely ground limestone on pasture land: \$2.00.³

Satisfactory evidence that the calcareous materials were applied to the land in accordance with the conditions specified.

(g) *Phosphates—Applicable only to Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, South Dakota, and the irrigated or sub-irrigated areas in the Platte River Valley in Hall, Buffalo, Dawson, Lincoln, Keith, Garden, Morrill, and Scotts Bluff Counties of Nebraska*.—Application between January 1, 1936, and September 30, 1936, inclusive, of the following minimum amounts of phosphate materials per acre on non-crop pasture land, or on crop land used in 1936 for the growing of a crop, classified as soil conserving, and on which non-crop land or crop land in connection with such application no soil depleting crop is planted for harvest in 1936 or 1937.

- (1) Two hundred pounds of 16 percent superphosphate or its equivalent: \$1.50.⁴

- (2) Three hundred pounds of 16 percent superphosphate or its equivalent: \$2.25.⁵

- (3) Five hundred pounds of rock phosphate or basic slag: \$2.25.

Satisfactory evidence that the phosphates were applied to the land in accordance with the conditions specified.

(h) *Potash—Applicable only to Ohio, Indiana, Michigan, Wisconsin, Minnesota, and Missouri*.—Application between January 1, 1936, and September 30, 1936, inclusive, of the following minimum amounts of 50 percent muriate of potash per acre on non-crop pasture land, or on crop land used in 1936 for the growing of a crop, classified as soil conserving, and on which non-crop land or crop land in connection with such application no soil depleting crop is planted for harvest in 1936 or 1937.

- (1) One hundred pounds of 50 percent muriate of potash or equivalent: \$1.00.⁶

Satisfactory evidence that the potash was applied to the land in accordance with the conditions specified.

(i) *Gypsum—Applicable only to Beltrami, Hubbard, Lake of the Woods, Cass, and Clearwater counties of Minnesota*.—Application between January 1, 1936, and September 30, 1936, inclusive, of the following minimum amounts of gypsum per acre on crop land used in 1936 for the growing of a crop, classified as soil conserving, and on which crop land in connection with such application no soil depleting crop is planted for harvest in 1936 or 1937.

- (1) Two hundred pounds of gypsum: \$1.50.

Satisfactory evidence that the gypsum was applied to the land in accordance with the conditions specified.

(j) *Planting of Trees*.—Planting of trees on crop land or non-crop pasture land between January 1, 1936, and September 30, 1936, inclusive, provided the number, kind, and age of trees planted and the method of planting and growing such trees are in accordance with good tree culture practice.

- (1) Forest plantings: \$5.00.

Applicable to all areas except Area "A".—For forest plantings, a stand of at least 650 living trees per acre on the date as of which final inspection of the farm is made for the purpose of determining performance and satisfactory evidence that such trees have been properly protected; or

If a stand of at least 650 living trees per acre is not obtained due to uncontrollable natural causes on the date as of which final inspection of the farm is made for the purpose of determining performance, satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

Applicable only to Area "A".—For forest plantings, a stand of at least 500 living trees per acre on the date as of which final inspection of the farm is made for the purpose of determining performance and satisfactory evidence that such trees have been properly protected; or

If a stand of at least 500 living trees per acre is not obtained due to uncontrollable natural causes on the date as of which final inspection of the farm is made for the purpose of determining performance, satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

- (2) Windbreak or shelterbelt plantings: \$5.00.

Applicable to All Areas Except Area "A".—For windbreak or shelterbelt plantings, a stand of at least 300 living trees per acre

³16 percent superphosphate shall contain 16 percent by weight of available phosphoric acid. Other phosphates may be substituted for 16 percent superphosphate, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of available phosphoric acid contained in the specified quantity of 16 percent superphosphate.

⁴50 percent muriate of potash shall contain not less than 50 percent by weight of water soluble potash. Other materials containing potash may be substituted for 50 percent muriate of potash, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of water soluble potash contained in 100 pounds of 50 percent muriate of potash.

on the date as of which final inspection of the farm is made for the purpose of determining performance and satisfactory evidence that such trees have been properly protected; or

If a stand of at least 300 living trees per acre is not obtained due to uncontrollable natural causes on the date as of which final inspection of the farm is made for the purpose of determining performance, satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

Applicable only to Area "A".—For windbreak or shelterbelt plantings, a stand of at least 200 living trees per acre on the date as of which final inspection of the farm is made for the purpose of determining performance and satisfactory evidence that such trees have been properly protected; or

If a stand of at least 200 living trees per acre is not obtained due to uncontrollable natural causes on the date as of which final inspection of the farm is made for the purpose of determining performance, satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

(k) *Rye—Applicable only to Area "A".*—Growing in 1936 of rye, seeded at the rate of not less than 20 and not more than 35 pounds per acre as a nurse crop for seeded or volunteer perennial grasses, on land which in accordance with good farming practice should be permanently devoted to grass, provided (1) neither of such crops is pastured or harvested for grain or hay; (2) the land so designated is subject to wind erosion; (3) the operator or owner has stated in writing his intention to let the area upon which he intends to use rye as a nurse crop revert to grass; (4) written approval has been obtained from the County Committee: \$0.30.

Proof of compliance with the conditions specified, and a stand of rye as dense as should be obtained by the indicated rate of seeding, and at least a one-third stand of a seeded or volunteer perennial grass on the date as of which final inspection of the farm is made for the purpose of determining performance; or

Proof of compliance with the conditions specified and satisfactory evidence that there was some time during 1936 a stand of rye as dense as should be obtained by the indicated rate of seeding and at least a one-third stand of a seeded or volunteer perennial grass; or

If the stands of rye and seeded or volunteer perennial grass indicated above are not obtained due to uncontrollable natural causes, satisfactory evidence that such land was used and such rye was planted in accordance with the conditions specified, and that such perennial grass was properly seeded in accordance with good farming practice so that under normal conditions at least a one-third stand of grass would have been obtained in 1936, or that at the time of seeding rye on such land there was a sufficient growth of a perennial grass so that under normal conditions at least a one-third stand of a perennial grass would have been obtained in 1936.

(1) *Strip Fallow—Applicable only to Area "A".*—Cultivation in 1936 of fallow, in strips not less than three rods and not more than fifteen rods in width running at right angles to the prevailing wind, sufficiently to prevent weed growth and conserve moisture, provided stubble or stalks are left on the strips for the purpose of catching snow and checking wind erosion.

(1) With alternate strips of approximately the same width used for the production of crops which may be harvested: \$0.50 per acre for the acreage in the field strip fallowed.

(2) With alternate strips of approximately the same width of stubble or stalks left uncultivated in 1936: \$0.75 per acre for the acreage in the field strip fallowed.

Land strip fallowed in accordance with the conditions specified.

(m) *Terracing—Applicable only to Ohio, Indiana, Minnesota, Missouri, and Nebraska.*—Terracing in 1936 in accordance with good terracing practices, provided (1) the County Committee after inspection has determined the acreage on the farm upon which terracing was practicable, (2) the County Committee has approved in writing the terracing of such acreage.

The area protected by terracing shall be all the land lying between the terraces plus (1) the area of a strip of land lying above the uphill terrace equal in length to such terrace and equal in width to the average terrace interval plus (2) the area of a strip of land lying below the downhill terrace equal in length to such terrace and equal in width to the average terrace interval: \$0.40 per hundred feet in the terrace not in excess of \$2.00 per acre for the area protected.

Land satisfactorily terraced in accordance with the conditions specified.

In testimony whereof, W. R. Gregg, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 9th day of September 1936.

[SEAL]

W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 2161—Filed, September 10, 1936; 11:22 a. m.]

Bureau of Animal Industry.

[Amendment 2 to B. A. I. Order 309]

REGULATIONS GOVERNING THE INTERSTATE MOVEMENT OF LIVESTOCK

MODIFYING REGULATIONS 1 AND 7

[Effective on and after September 10, 1936]

Under the authority conferred by law upon the Secretary of Agriculture, the regulations governing the interstate movement of livestock (B. A. I. Order 309), issued under date of March 5, 1928, as amended January 10, 1930, are hereby further amended as follows:

Section 3, regulation 1, is amended by striking out the words and figures "sections 3, 4, and 6" in line 6, and substituting in lieu thereof the word and figure "section 5."

Regulation 7 is revoked, and in lieu thereof the following regulation is substituted:

REGULATION 7.—TO PREVENT THE SPREAD OF TUBERCULOSIS IN CATTLE

SECTION 1. Subject to the provisions of section 3, regulation 1, of this order, cattle of the classes described in sections 2 to 5, inclusive, following, may be shipped, driven on foot, transported, and received for transportation interstate, upon compliance with the conditions and requirements set forth respectively in said sections 2 to 5 inclusive:

SEC. 2. *Shipments from modified accredited areas.*¹—Cattle of the following classes originating in a modified accredited area² may be moved interstate, provided the following requirements are strictly complied with, to wit:

PARAGRAPH 1. *Cattle for dairy and breeding purposes.*—Cattle for dairy and breeding purposes when accompanied by a certificate³ issued by an authorized State or Federal inspector or by a veterinarian approved by the bureau and State, showing the cattle to have originated in such modified accredited area.

PAR. 2. *Semirange⁴ and range cattle, steers, and spayed heifers.*—Semirange cattle of the beef breeds, strictly range cattle, steers, and spayed heifers, provided the owner or his agent makes a written declaration⁵ that the animals have originated in a modified accredited area.

PAR. 3. *Cattle under State quarantine.*—Cattle in herds under State quarantine and those in previously infected herds that have not passed two negative tests applied at 60-day intervals shall be moved interstate in accordance with the provisions of sections 3 and 4 of this regulation.

PAR. 4. *Shipments to public stockyards.*—Cattle when consigned to a public stockyard.

¹The regulations of the State of destination should be consulted before shipments are made from modified accredited areas.

²A modified accredited area is a county or other political subdivision, or a portion thereof, in which the percentage of bovine tuberculosis is less than one-half of 1 per cent and has been so declared by the Chief of the Bureau.

³There shall be recorded on the face of this certificate the number of cattle, breed, sex, and approximate age of the animals presented for shipment, date and place of issuance, destination, and name or names of the consignee and consignor. One copy of the certificate shall accompany the shipment, one copy shall be mailed to the livestock sanitary official of the State from which the shipment is made, one copy shall be mailed to the livestock sanitary official of the State of destination, and one copy mailed to the Bureau of Animal Industry, Washington, D. C.

⁴Semirange cattle are considered to be those of the beef breeds or type which are raised partly on the range and partly under farm conditions to the extent of receiving feed besides natural vegetation and also care or shelter not ordinarily provided for range cattle.

⁵There shall be recorded on the face of this declaration the number of cattle, breed, sex, and approximate age of the animals presented for shipment, date and place of issuance, destination, and name or names of the consignee and consignor. One copy of the declaration shall accompany the shipment, one copy shall be mailed to the livestock sanitary official of the State from which the shipment is made, one copy shall be mailed to the livestock sanitary official of the State of destination, and one copy mailed to the Bureau of Animal Industry, Washington, D. C.

SEC. 3. PARAGRAPH 1. No cattle originating in a non-modified accredited area^a shall be shipped, driven on foot, transported, or received for transportation interstate except as provided in sections 4 and 5 of this regulation, unless and until such cattle have been subjected to a physical examination and tuberculin test, applied as directed in paragraph 2 of this section, and a tuberculin-test chart and health certificate, showing them to be apparently free from tuberculosis and any other contagious, infectious, or communicable disease of animals, has been issued and the requirements of paragraph 2 of section 10 of regulation 1 of this order are fully complied with.

PAR. 2. The physical examination, tuberculin test, and health certificates and tuberculin-test chart required by paragraph 1 of this section shall be made, applied, and issued within 30 days prior to the shipping, driving on foot, transporting, or receiving for transportation, either by a veterinarian of the State of origin who shall have been authorized by such State and approved by the bureau to apply the test, make the examination, and issue the certificate and test chart, or by a veterinarian employed by the bureau at a public stockyard or other regular bureau station.^b *Provided, however,* That if any animals in a lot of cattle tuberculin tested react, the remainder of the lot shall not be shipped interstate, except for immediate slaughter, without a proper retest: *And provided further,* That all cattle not identified by registration name and number shall be identified by a metal ear tag.

SEC. 4. Cattle of the classes described in paragraphs 1 to 3 of this section, originating in non-modified accredited areas, may be shipped, driven on foot, transported, and received for transportation interstate, without compliance with the provisions of section 3 of this regulation:

PARAGRAPH 1. *Accredited herds.*—Cattle from a herd accredited by the bureau, in cooperation with the various States, as free from tuberculosis when accompanied by a certificate issued by an authorized State or Federal inspector or by a veterinarian approved by the bureau and State, showing the cattle to be from such a herd.

PAR. 2. *Slaughter cattle.*—Cattle for immediate slaughter when consigned to a place where bureau or State meat inspection is maintained or to a place designated by the proper State livestock sanitary official of the State of destination.

PAR. 3. *Shipments to public stockyards.*—Cattle when consigned to a public stockyard that has pens placarded "Cattle from non-modified accredited area" set aside for the reception of such cattle.

SEC. 5. *Shipments of tuberculous cattle for slaughter.*—Cattle which have reacted to the tuberculin test may be shipped, transported, received for transportation, or otherwise moved interstate for immediate slaughter to an establishment or public stockyard where Federal inspection is maintained under the provisions of the act of March 4, 1907 (34 Stat. 1260), upon compliance with the following conditions:

PARAGRAPH 1. The cattle shall be marked for identification by branding the letter "T" on the left jaw, not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted" or a similar State reactor tag.

PAR. 2. The cattle shall be accompanied to destination by a certificate issued by a bureau inspector or a regularly em-

ployed State inspector engaged in cooperative tuberculosis-eradication work, showing (1) that the cattle have reacted to the tuberculin test, (2) that they may be moved interstate, and (3) the purpose for which they are moved.

PAR. 3. The cattle so moved shall be slaughtered under Federal inspection.

PAR. 4. The transportation companies shall plainly write or stamp upon the face of each of the waybills, conductors' manifests, and memoranda pertaining to such shipments the words "TUBERCULOUS CATTLE" and a statement to the effect that the car or compartment of the boat in which the cattle have been transported is to be cleaned and disinfected.

PAR. 5. The car or the compartment of the boat in which tuberculous cattle have been transported interstate shall be cleaned and disinfected under bureau supervision by the final carrier at destination in accordance with regulation 1, sections 4, 5, and 6.

PAR. 6. The cattle shall not be shipped or transported in cars or in compartments of boats containing healthy cattle or hogs unless all the animals are for immediate slaughter or unless the tuberculous cattle are separated from the other animals by a partition which shall be securely affixed to the walls of the car or boat.

This amendment, which for the purpose of identification is designated as Amendment 2 to B. A. I. Order 303, shall be effective on and after September 10, 1936.

Done at Washington this 9th day of September 1936.

Witness my hand and the seal of the Department of Agriculture.

[SEAL]

W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 2160—Filed, September 10, 1936; 11:22 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of September A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2530]

IN THE MATTER OF TYRRELL H. DUNCOMBE, TRADING AS
DUNCOMBE RESEARCH LABORATORY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41);

It is ordered, that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Friday, September 18, 1936, at nine o'clock in the forenoon of that day at the Office of the Federal Trade Commission, 433 West Van Buren Street, Chicago, Illinois (central standard time).

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 2163—Filed, September 10, 1936; 11:41 a. m.]

^aA non-modified accredited area is one which has not met the requirements for a modified accredited area.

^bWhen the cattle are tested by a veterinarian other than a bureau inspector the original and one copy of the tuberculin-test chart and health certificate shall be sent to the livestock sanitary official of the State from which the cattle are to be shipped or moved for approval by him (except when the test is applied at a public stockyard where Federal inspection is maintained the inspector in charge may approve the certificate), whereupon the original copy shall be forwarded to the bureau, one copy of the test chart and health certificate shall be sent to the proper livestock sanitary official of the State of destination in ample time to reach him before the arrival of the cattle at destination, and one copy of the test chart and health certificate shall accompany the cattle to destination.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of September A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2593]

IN THE MATTER OF THE HEALTH-O QUALITY PRODUCTS COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41):

It is ordered, that Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, September 16, 1936, at ten o'clock in the forenoon of that day (eastern standard time), at room 317, Cincinnati Chamber of Commerce, Cincinnati, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 2162—Filed, September 10, 1936; 11:41 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of September A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2870]

IN THE MATTER OF KELLY J. SHADY, DOING BUSINESS AS MAGIC CHEMICAL CO.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41):

It is ordered, that Charles P. Vicini, an examiner of this Commission, be and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Thursday, September 17, 1936, at ten o'clock in the forenoon of that day (Pacific Standard Time), in room 707 Flatiron Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 2164—Filed, September 10, 1936; 11:41 a. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 28th day of August A. D. 1936.

[Docket No. BMC 50710]

APPLICATION OF HARVEY R. LEHMAN FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Harvey R. Lehman, of 136 Chestnut Street, New Comerstown, Ohio, for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, from and between Points Located in the States of Ohio, New York, Pennsylvania, New Jersey, West Virginia, and Maryland, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner T. B. Johnston for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner T. B. Johnston, on the 9th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the Portage Hotel, Akron, Ohio;

It is further ordered, That notice of this proceeding be duly given.

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2165—Filed, September 10, 1936; 12:24 p. m.]

[Fourth Section Application No. 16502]

ROAD BUILDING MATERIAL IN SOUTHERN TERRITORY

SEPTEMBER 10, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.
Commodities involved: Road-building materials, in carloads.
From: Port Everglades, Fla.
To: Points in Florida.
Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2166—Filed, September 10, 1936; 12:24 p. m.]

[Fourth Section Application No. 16503]

AUTOMOBILES TO ALABAMA

SEPTEMBER 10, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: B. T. Jones, Agent, pursuant to Fourth Section Order No. 9800.
Commodities involved: Automobiles, freight, S. U., and chassis, freight automobile, S. U., carloads.
From: Points in Ohio, Michigan, and Indiana.
To: Points in Alabama.
Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 2167—Filed, September 10, 1936; 12:24 p. m.]

[Fourth Section Application No. 16504]

GRAIN AND GRAIN PRODUCTS FROM, TO, AND BETWEEN POINTS IN THE SOUTH

SEPTEMBER 10, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. E. Tilford, Agent.
Commodities involved: Grain, grain products, and related articles, carloads and less-carloads.
Within and to points in Southeastern and Carolina territories.
Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 2168—Filed, September 10, 1936; 12:24 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of September A. D. 1936.

[File No. 2-2404]

IN THE MATTER OF REGISTRATION STATEMENT OF GLOBE SILVER MINES, INC.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE TESTIMONY

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Globe Silver Mines, Inc. under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered, that a hearing in this matter under Section 8 (d) of said Act, as amended, be convened on September 17, 1936, at 2 o'clock in the afternoon, in Room 726-C, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the officer hereinafter designated may determine; and

It is further ordered, that John H. Small, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS, Acting Secretary.

[F. R. Doc. 2169—Filed, September 10, 1936; 12:48 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of September A. D. 1936.

[File No. 2-2409]

IN THE MATTER OF REGISTRATION STATEMENT OF SCOTTISH DYE WORKS, LTD.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Scottish Dye Works, Ltd., under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered, that a hearing in this matter under Section 8 (d) of said Act, as amended, be convened on September 17, 1936, at 10 o'clock in the forenoon, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the officer hereinafter designated may determine; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS, Acting Secretary.

[F. R. Doc. 2170—Filed, September 10, 1936; 12:48 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-McNABB PARK FARM, FILED ON SEPTEMBER 3, 1936, BY R. E. PITTS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the

offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the clause "or disapproved" is omitted from the second paragraph, Page 1, Division I;
 2. In that the participation shown in Item 1, Division II, is incorrect;
 3. In that the gross production tax shown in Item 11 (b), Division II, is incorrect;
 4. In that the total production shown in Item 15, Division II, is not in accord with the total of the figures shown in Item 16 (a), Division II;
 5. In that the price of oil given in Item 16 (e), Division II, is not correct, in view of the gravity of oil shown in Item 18 (b);
 6. In that the signature form at the end of Division II is undated;
 7. In that the legal description is omitted from Exhibit B;
- It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 8th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 23rd day of September 1936 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS, *Acting Secretary.*

[F. R. Doc. 2154—Filed, September 9, 1936; 12:49 p. m.]

Saturday, September 12, 1936

No. 130

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48516]

CUSTOMS REGULATIONS AMENDED—PROOF OF LIQUORS

CUSTOMS REGULATIONS OF 1931 AMENDED TO OMIT SPECIFIC REFERENCE TO NAME OF HYDROMETER TO BE USED BY COLLECTORS OF CUSTOMS, AND TO PROVIDE THAT NOTATIONS OF PROOF SHALL CONFORM TO GAUGING MANUAL OF TREASURY DEPARTMENT

To Collectors of Customs and Others Concerned:

Pursuant to authority contained in R. S. 2918 (U. S. C., title 19, sec. 390), Paragraph 811 and Section 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1001 and 1624), Article 1364 of the Customs Regulations of 1931 is amended to read as follows:

ART. 1364. *Proof of Liquors.*—The proof of liquors will be ascertained by a standard hydrometer, and the notations of proof

shall conform to the scales of the hydrometer as shown in the gauging manual of the Treasury Department.

[SEAL]

FRANK DOW,
Commissioner of Customs.

Approved, September 4, 1936.

JOSEPHINE ROCHE,
Acting Secretary of the Treasury.

[F. R. Doc. 2172—Filed, September 11, 1936; 10:15 a. m.]

[T. D. 48517]

CUSTOMS REGULATIONS AMENDED—DRAWBACK

CUSTOMS REGULATIONS OF 1931, RELATING TO T. & E. SHIPMENTS AND SHIPMENTS EXPORTED ON THROUGH BILLS OF LADING, AMENDED

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in Section 251, Revised Statutes (U. S. C., title 19, sec. 66), and Sections 131 (1) (U. S. C., title 19, sec. 1313 (1)) and 624 (U. S. C., title 19, sec. 1624) of the Tariff Act of 1930, the Customs Regulations of 1931 are hereby amended as follows:

Paragraphs (a) and (h) of Article 1024, as amended by Treasury Decision 47911, are amended to read as follows:

ART. 1024. *Same—Transportation and Exportation Shipments.*—(a) Merchandise which is to be transported, either coastwise or inland, from one customs port to another to be exported thence, whether or not covered by a through bill of lading, may be entered for drawback at the port of origin.

(h) The transfer, lading, and inspection of these shipments shall be made under the regulations covering shipments in bond (Chapter XVI). The shipper's export declaration shall be executed on Customs Form 7525 and filed at the port of exit.

The heading of Article 1025 is amended to read as follows:

ART. 1025. *Same—Exportations on Through Bills of Lading from Places at Which no Customs Officer is Located.*

Article 1026 is amended to read as follows:

ART. 1026. *Same—Shipments on Local or Through Bills of Lading to Port of Exit.*—Shipments of merchandise transported, without compliance with the regulations relating to transportation and exportation shipments, to the seaboard or frontier port under either local or through bills of lading and thence to the foreign destination, are considered local or direct exportations from the port of exit from the United States and notices of intent shall be filed in accordance with the provisions of article 1023.

Paragraphs (b) and (c) of Article 1035 are amended to read as follows:

(b) Failure to obtain inspection at both ports will not bar the payment of drawback, provided an opportunity to inspect was furnished by filing a timely notice of intent and manifest with the collector or with the inspector at the port of origin, by delivering the manifest to the inspector at the port of exit, by completing the mail copy of the manifest and notice of intent at the port of exit in accordance with the regulations, or by filing a notice of intent with the collector or inspector at the port of exit as in the case of local or direct exportations; and further provided that the failure of inspection was not due to any act or omission on the part of the shipper, the carrier, or the agent of either.

(c) When the shipment is not officially inspected and laden at the port of exit, the collector at that port will, upon the request of the shipper or his agent, specifying the exporting carrier, the name of the vessel or the number and initials of the car and the date of exportation, indorse the copy of the notice of intent received by him to show the facts of exportation of the merchandise as indicated by the records of the exporting carrier or outward manifest of the exporting vessel, and return the notice of intent to the port of origin. A copy of the notice of intent so indorsed may be accepted in lieu of the inspector's return of lading, provided the merchandise was officially inspected and laden at the port of origin or there was an opportunity to inspect as provided in the preceding paragraph of this article.

The heading of Article 1036 is amended to read as follows:

ART. 1036. *Same—Shipments on Through Bills of Lading from Places at Which no Customs Officer is Located.*

[SEAL]

FRANK DOW,
Acting Commissioner of Customs.

Approved, September 5, 1936.

JOSEPHINE ROCHE,
Acting Secretary of the Treasury.

[F. R. Doc. 2173—Filed, September 11, 1936; 10:15 a. m.]

